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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

1938 AGRICULTURAL CONSERVATION PROGRAM FOR THOMAS COUNTY, KANSAS

SUPPLEMENT NO. 2¹

[Issued November 23, 1938]

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1938 Agricultural Conservation Program for Thomas County, Kansas, as amended, is hereby further amended as follows:

The last sentence of Subsection B of Section V is omitted and the following paragraph is added to such Subsection B:

"Where practice A-7 (restoring farm land to pasture) has been carried out on any farm which is owned by one person and operated by one person, all persons shall be deemed to have contributed to the performance of such practice in the same proportion that such persons are entitled to share in the payment with respect to the soil-depleting acreage allotment. Where practice A-7 is carried out on any farm which comprises field-rented or separately-owned tracts, the units of such practice shall be attributed to the persons in the same proportion that such persons contribute to the acreage of farm land restored to pasture on the farm; each person shall be deemed to have contributed to the farm land restored to pasture on a field-rented or separately owned tract in the proportion that the principal crop normally grown on such tract is divided."

¹ 3 F. R. 2443 DI.

Done at Washington, D. C., this 23d day of November, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3527; Filed, November 25, 1938;
12:34 p. m.]

TITLE 29—LABOR

CHILDREN'S BUREAU

[Regulation No. 8]

CHILD LABOR

PART 402. ACCEPTANCE OF STATE CERTIFICATES¹

NOVEMBER 22, 1938.

SEC. 402.5 *Designation of States*.—Pursuant to the provisions of section 401.5 (section 5 of Child Labor Regulation No. 1, entitled "Certificates of Age" issued October 14, 1938*) I do hereby designate the following State as a State in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938:

South Carolina

This designation shall be effective from and after the date hereof until the expiration of the period of six months from and after October 24, 1938.

KATHARINE F. LENROOT,
Chief.

[F. R. Doc. 38-3524; Filed, November 25, 1938;
11:47 a. m.]

¹ 3 F. R. 2500, 2533, 2627, 2693 DI.

* Issued pursuant to the authority conferred by sections 3 (1) and 11 (b) of the Fair Labor Standards Act of 1938 (52 Stat. 1060); 3 F. R. 2487 DI.

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TITLE 43—PUBLIC LANDS GENERAL LAND OFFICE

STOCK DRIVEWAY WITHDRAWALS NOS. 114,
170 AND 180, REVOKED

ARIZONA

NOVEMBER 14, 1938.

Departmental orders of November 19, 1919, May 23, 1924, November 27, 1926, April 2 and 15, and July 27, 1929, December 10, 1931, and April 22, 1932, establishing and modifying Stock Driveways Nos. 114, 170 and 180 under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), are hereby revoked, in so far as they affect the following described lands, which are within Arizona Grazing District No. 1, established July 9, 1935:

GILA AND SALT RIVER MERIDIAN

- T. 41 N., R. 1 E.,
sec. 1, S $\frac{1}{2}$, sec. 8, SE $\frac{1}{4}$, sec. 9, NE $\frac{1}{4}$ and S $\frac{1}{2}$, N $\frac{1}{2}$ of secs. 10 and 11, sec. 12, NW $\frac{1}{4}$, sec. 17, N $\frac{1}{2}$, sec. 18, N $\frac{1}{2}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$;
T. 41 N., R. 2 E.,
W $\frac{1}{2}$ of secs. 6, 7, 18, 19, 30 and 31;
T. 42 N., R. 2 E.,
sec. 31, all;
T. 40 N., R. 1 W.,
sec. 4, W $\frac{1}{2}$, S $\frac{1}{2}$ of secs. 5 and 7, W $\frac{1}{2}$ of secs. 8 and 18;
T. 41 N., R. 1 W.,
sec. 1, W $\frac{1}{2}$ W $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$ of secs. 9, 10 and 11, sec. 12, NW $\frac{1}{4}$, sec. 13, S $\frac{1}{2}$ N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$, sec. 14, S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$, sec. 22, S $\frac{1}{2}$, sec. 23, NE $\frac{1}{4}$ and S $\frac{1}{2}$, sec. 27, W $\frac{1}{2}$, sec. 28, S $\frac{1}{2}$ and sec. 33, W $\frac{1}{2}$;
T. 42 N., R. 1 W.,
S $\frac{1}{2}$ S $\frac{1}{2}$ of secs. 34 and 35;
T. 39 N., R. 2 W.,
sec. 4, NW $\frac{1}{4}$, N $\frac{1}{2}$ of secs. 5 and 6;
T. 40 N., R. 2 W.,
S $\frac{1}{2}$ of secs. 13 and 23, W $\frac{1}{2}$ of secs. 24 and 26, sec. 27, S $\frac{1}{2}$, sec. 33, N $\frac{1}{2}$ and SW $\frac{1}{4}$, sec. 34, NW $\frac{1}{4}$;
T. 39 N., R. 3 W.,
sec. 1, N $\frac{1}{2}$ and SW $\frac{1}{4}$, sec. 3, all, sec. 4, N $\frac{1}{2}$ and SE $\frac{1}{4}$, N $\frac{1}{2}$ of secs. 5, 6, 10 and 11, and sec. 12, NW $\frac{1}{4}$;

- T. 40 N., R. 3 W.,
sec. 31, all;
T. 39 N., R. 4 W.,
sec. 1, N $\frac{1}{2}$ and SW $\frac{1}{4}$, sec. 11, SE $\frac{1}{4}$, sec. 12, W $\frac{1}{2}$, sec. 14, all, sec. 15, S $\frac{1}{2}$, N $\frac{1}{2}$ of secs. 19, 20 and 21, and sec. 22, NW $\frac{1}{4}$;
T. 37 N., R. 5 W.,
sec. 6, NE $\frac{1}{4}$ and S $\frac{1}{2}$;
T. 38 N., R. 5 W.,
E $\frac{1}{2}$ of secs. 6, 7, 18, 19, 30 and 31;
T. 39 N., R. 5 W.,
sec. 17, all, sec. 18, N $\frac{1}{2}$ and SE $\frac{1}{4}$, sec. 19, E $\frac{1}{2}$, N $\frac{1}{2}$ of secs. 20, 21, 22, 23 and 24, E $\frac{1}{2}$ of secs. 30 and 31;
T. 40 N., R. 5 W.,
sec. 35, N $\frac{1}{2}$ NW $\frac{1}{4}$;
T. 41 N., R. 5 W.,
E $\frac{1}{2}$ of secs. 6 and 7;
T. 42 N., R. 5 W.,
sec. 31, E $\frac{1}{2}$;
T. 37 N., R. 6 W.,
sec. 1, S $\frac{1}{2}$, sec. 8, E $\frac{1}{2}$, N $\frac{1}{2}$ of secs. 9, 10 and 11, sec. 12, NW $\frac{1}{4}$, sec. 17, N $\frac{1}{2}$ and SW $\frac{1}{4}$, sec. 20, W $\frac{1}{2}$, sec. 29, NW $\frac{1}{4}$, sec. 30, N $\frac{1}{2}$;
T. 39 N., R. 6 W.,
E $\frac{1}{2}$ of secs. 3 and 10, N $\frac{1}{2}$ of secs. 13 and 14, sec. 15, NE $\frac{1}{4}$;
T. 40 N., R. 6 W.,
E $\frac{1}{2}$ of secs. 3, 10, 15, 22, 27 and 34;
T. 41 N., R. 6 W.,
sec. 25, E $\frac{1}{2}$ SE $\frac{1}{4}$, sec. 34, E $\frac{1}{2}$ SE $\frac{1}{4}$, sec. 35, NE $\frac{1}{4}$ and S $\frac{1}{2}$;
T. 35 N., R. 7 W.,
sec. 4, W $\frac{1}{2}$;
T. 36 N., R. 7 W.,
sec. 4, W $\frac{1}{2}$, sec. 5, E $\frac{1}{2}$, sec. 7, N $\frac{1}{2}$ and SW $\frac{1}{4}$, sec. 8, N $\frac{1}{2}$ and SE $\frac{1}{4}$, sec. 9, NW $\frac{1}{4}$, sec. 17, E $\frac{1}{2}$, sec. 18, W $\frac{1}{2}$, sec. 19, NW $\frac{1}{4}$, sec. 20, E $\frac{1}{2}$, sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$, sec. 29, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 33, W $\frac{1}{2}$;
T. 37 N., R. 7 W.,
sec. 4, NW $\frac{1}{4}$, E $\frac{1}{2}$ of secs. 5, 8, 17 and 20, sec. 25, N $\frac{1}{2}$, sec. 26, N $\frac{1}{2}$ and SW $\frac{1}{4}$, sec. 28, SW $\frac{1}{4}$, sec. 29, E $\frac{1}{2}$, sec. 33, all, sec. 34, N $\frac{1}{2}$, sec. 35, NW $\frac{1}{4}$;
T. 38 N., R. 7 W.,
W $\frac{1}{2}$ of secs. 3, 10 and 15, sec. 21, N $\frac{1}{2}$ and SW $\frac{1}{4}$, sec. 22, NW $\frac{1}{4}$, W $\frac{1}{2}$ of secs. 28 and 33;
T. 39 N., R. 7 W.,
sec. 27, E $\frac{1}{2}$, sec. 34, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
T. 36 N., R. 8 W.,
sec. 23, N $\frac{1}{2}$ and SW $\frac{1}{4}$, sec. 24, N $\frac{1}{2}$, W $\frac{1}{2}$ of secs. 26 and 35;
T. 35 N., R. 10 W.,
sec. 4, N $\frac{1}{2}$ and SE $\frac{1}{4}$, sec. 9, E $\frac{1}{2}$;
T. 36 N., R. 10 W.,
sec. 5, N $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ of secs. 6, 7 and 18, sec. 19, NW $\frac{1}{4}$ and S $\frac{1}{2}$, sec. 20, S $\frac{1}{2}$, sec. 28, W $\frac{1}{2}$, sec. 29, NE $\frac{1}{4}$, sec. 33, W $\frac{1}{2}$;
T. 37 N., R. 10 W.,
all of secs. 6, 7, 18 and 19, E $\frac{1}{2}$ W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ of secs. 30 and 31;
T. 38 N., R. 10 W.,
sec. 30, S $\frac{1}{2}$ S $\frac{1}{2}$, sec. 31, all;
T. 38 N., R. 11 W.,
all of secs. 5, 8, 17, 20 and 29, S $\frac{1}{2}$ S $\frac{1}{2}$ of secs. 25, 26, 27 and 28;
aggregating 57,372.50 acres.

HARRY SLATTERY,
Under Secretary of the Interior.

[F. R. Doc. 38-3522; Filed, November 25, 1938;
11:02 a. m.]

[Circular No. 1453]

ASSIGNMENT OF ROYALTY INTERESTS IN OIL AND GAS PROSPECTING PERMITS AND LEASES PRIOR TO A DISCOVERY WILL NOT RECEIVE APPROVAL

Sec. 192.42a. (1) *Royalty interests in oil and gas prospecting permits and assignments thereof.*—Royalty interests in oil and gas prospecting permits do not constitute holdings or control of lands

and deposits within the meaning of section 27 of the act of February 25, 1920 (41 Stat. 437), as amended. Prior to the discovery of a valuable deposit of oil or gas, assignments of royalty interests in permits will not be approved, recognized or considered in any way and should not be filed with the Department. After discovery such assignments should be filed in the appropriate district land offices and be accompanied by a showing in affidavit form by the assignees as to their citizenship and holdings in other oil and gas prospecting permits and leases in the same State.*

Sec. 192.42b. (2) *Royalty interests in oil and gas leases and assignments thereof.*—Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of section 27 of the act of February 25, 1920 (41 Stat. 437), as amended. Assignments of such interests in leases must be filed for record purposes in the appropriate district land offices accompanied by a showing in affidavit form by the assignees as to their citizenship and holdings in other oil and gas prospecting permits and leases in the same State, but they will not be approved unless and until a discovery of a valuable deposit of oil or gas is made.*

Sec. 192.42c. (3) *Effective date and applicability.*—These regulations shall be effective on the date of their approval and are applicable to all assignments of royalty interests in oil and gas prospecting permits and leases not heretofore approved by the Department regardless of the date the assignment was made.*

(4) *Regulations superseded.*—To the extent that section 1 (g) of the regulations approved April 4, 1932 (53 I. D. 640), is inconsistent herewith it is hereby modified. Circular No. 1331 approved July 31, 1934 (54 I. D. 549), Sec. 192.42 of the Code of Federal Regulations is hereby superseded.

ANTOINETTE FUNK,
Acting Commissioner.

Approved, November 18, 1938.

HARRY SLATTERY,
Acting Secretary.

[F. R. Doc. 38-3523; Filed, November 25, 1938;
11:02 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

INSTRUCTIONS FOR HOLDING REFERENDA ON
COTTON AND FLUE-CURED TOBACCO MAR-
KETING QUOTAS

[Issued November 23, 1938]

In view of the fact that the Secretary of Agriculture has determined and pro-

* Issued under authority of Sec. 32, 41 Stat. 450; 30 U. S. C. 189.

claimed,¹ pursuant to the provisions of Section 345 of the Agricultural Adjustment Act of 1938, that the total supply of cotton for the 1938-39 marketing year exceeds by more than 7 percent the normal supply thereof for such marketing year, a referendum, by secret ballot, of farmers who were engaged in the production of cotton in 1938 will be held on December 10, 1938, pursuant to Section 347 of said Act and in accordance with the regulations herein set forth, to determine whether they favor or oppose cotton marketing quotas on the 1939 cotton crop. Such quotas will be in effect unless more than one-third of the farmers voting in the referendum oppose them.

Likewise, in view of the fact that the Secretary of Agriculture has duly proclaimed,² pursuant to the provisions of Section 312 (a) of the Agricultural Adjustment Act of 1938, a national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1939, a referendum of farmers who were engaged in production of the 1938 crop of flue-cured tobacco will be held on December 10, 1938, pursuant to the provisions of Section 312 (c) of said Act and in accordance with the regulations herein set forth, to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose the national marketing quota, such quota will not be in effect for the marketing year beginning July 1, 1939.

The following forms will be used:

Cotton 301—"Notice—Cotton Marketing Quota Referendum"

Tobacco 301—"Notice—Flue-Cured Tobacco Marketing Quota Referendum"

Cotton 302—"1939 Cotton Marketing Quota Referendum Ballot"

Tobacco 302—"1939 Flue-Cured Tobacco Marketing Quota Referendum Ballot"

Cotton 303—"Register of Eligible Voters and Ballots Cast—1939 Cotton Marketing Quota Referendum"

Tobacco 303—"Register of Eligible Voters and Ballots Cast—1939 Flue-Cured Tobacco Marketing Quota Referendum"

Cotton 304—"Community Summary of 1939 Cotton Marketing Quota Ballots"

Tobacco 304—"Community Summary of 1939 Flue-Cured Tobacco Marketing Quota Ballots"

Cotton 305—"County Summary of 1939 Cotton Marketing Quota Ballots"

Tobacco 305—"County Summary of 1939 Flue-Cured Tobacco Marketing Quota Ballots"

Cotton 306—"State Tabulation of 1939 Cotton Marketing Quota Ballots"

Tobacco 306—"State Tabulation of 1939 Flue-Cured Tobacco Marketing Quota Ballots"

A. VOTING ELIGIBILITY

All farmers who were engaged in the production of cotton in 1938 are eligible to vote in the cotton marketing quota referendum (except as provided in the following paragraph) and all farmers who were engaged in the production of flue-cured tobacco in 1938 are eligible to vote in the flue-cured tobacco marketing quota referendum. The fact that a farmer is eligible to vote in one referendum does not mean that he is eligible to vote in both referenda; however, he is eligible to vote in both referenda if in 1938 he was engaged in the production of both cotton and flue-cured tobacco. Any person who shared in the proceeds of the 1938 cotton crop as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper shall be considered as having been engaged in the production of cotton in 1938. Likewise, any person who shared in the proceeds of the 1938 flue-cured tobacco crop as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper is considered as having been engaged in the production of flue-cured tobacco. Farmers who planted cotton or flue-cured tobacco in 1938, but produced no cotton or flue-cured tobacco on such acreage for any reason except willful neglect to farm the planted acreage, or who made arrangements to plant cotton or flue-cured tobacco in 1938 but were prevented from planting by flood, excessive rainfall, drought, or plant disease, shall be regarded as having been engaged in the production of cotton or flue-cured tobacco in 1938 and therefore as eligible to vote in the respective referendum.

Since marketing quotas are not applicable to cotton the staple of which is 1½ inches or more in length, a person who was engaged in the production of such cotton in 1938 is not eligible to vote, unless in 1938 he was also engaged in the production of cotton the staple of which was less than 1½ inches in length.

No farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in either referendum, even though he may have been engaged in the production of cotton or flue-cured tobacco in two or more communities, counties, or States in 1938.

In the event several persons, such as husband, wife, and children, participated in the production of cotton or flue-cured tobacco in 1938 under a single rental or cropping agreement or lease, only the person or persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

In the event two or more persons engaged in producing cotton or flue-cured tobacco in 1938 not as members of a partnership but as tenants in common

or joint tenants or as owners of community property, each such person is entitled to vote.

There shall be no voting by mail, proxy, or agent, but a duly authorized officer of a corporation, firm, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

If a community referendum committee determines that a farmer residing within the jurisdiction of such committee at the time of the referendum is eligible to vote by reason of his having engaged in producing cotton or flue-cured tobacco in another community in 1938, the committee may issue a ballot form to him and permit him to vote, provided the committee also satisfies itself that such farmer has not previously voted in another community. If the committee cannot so satisfy itself and the farmer insists upon voting, it shall challenge the ballot in the manner hereinafter outlined.

B. INSTRUCTIONS TO COUNTY COMMITTEES

The county agricultural conservation committee (hereinafter referred to as the county committee) shall be responsible for the proper holding of the referenda in the county and shall:

1. Designate one readily accessible place for balloting in each community and give public notice of the time and place for balloting by posting the applicable notice form at one or more places open to the public within each community at least five days in advance of the date of the referenda.

2. Make use (without advertising expense) of all available agencies of public information, including newspapers and radio, to give cotton and flue-cured tobacco farmers in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice should be given as soon as practicable after the plans for holding the referenda in the county have been made, but must be given at least five days in advance of the date of the referenda.

3. Designate three local farmers residing in each community as members of the community referendum committee to conduct the referenda on cotton marketing quotas and on the national marketing quota for flue-cured tobacco in such community, and name one of the members chairman of the committee.

4. In counties with a combined total of less than 200 cotton and flue-cured tobacco farms, the county committee may treat the county as one community for the purpose of the referenda and hold the referenda and perform the duties both of county committee and community referendum committees.

5. See that each community referendum committee is provided with a suitable ballot box for the cotton mar-

¹ 3 F. R. 2670 DI.

² 3 F. R. 507 DI.

keting quota referendum and a separate ballot box for the flue-cured tobacco marketing quota referendum.

6. Execute form Cotton 303 for each community in the county, listing thereon the names and addresses of all persons who were engaged in the production of cotton in the community during 1938. Likewise, execute form Tobacco 303 for each community in the county, listing thereon the names and addresses of all persons who were engaged in the production of flue-cured tobacco in the community during 1938. If lists of such persons by communities are already available to the county committee, they may be turned over to the community referendum committees for their own preparation of forms Cotton 303 and Tobacco 303.

7. Deliver a supply of the forms Cotton 302 and Cotton 304 and Tobacco 302 and Tobacco 304, as well as the executed copies of Cotton 303 and Tobacco 303 (or a supply of blank forms Cotton 303 and Tobacco 303 and the required lists of cotton and flue-cured tobacco farmers in the community), to the chairman of the respective community referendum committee.

8. See to it that the community referendum committees understand their duties as to (a) issuing ballot forms, (b) recording votes, (c) tabulating ballots, and (d) certifying results of the referendum in the community.

9. See that appropriate measures are taken to insure that each referendum is conducted by secret ballot.

10. Notify the State committee by telephone, telegraph, or in person, as soon as possible after the closing of the polls, as to the preliminary count of "Yes" and "No" votes in each referendum held in the county.

11. Meet not later than 8:30 A. M., Monday, December 12, 1938, for the purpose of receiving and tabulating the data from forms Cotton 304 and Tobacco 304 on forms Cotton 305 and Tobacco 305, respectively. Such meeting shall be open to the public. Cotton 305 and Tobacco 305, showing the results in the county, shall be prepared and certified in quadruplicate, the original and one copy of each shall be sent to the State agricultural conservation committee (hereinafter referred to as the State committee) not later than four calendar days after the date of the referenda, one copy of each posted for sixty days in a conspicuous place accessible to the public in or near the office of the county committee (hereinafter referred to as the county office), and one copy of each permanently filed in the county office. One copy of each executed form Cotton 304 and Tobacco 304 shall be posted for sixty days in a conspicuous place accessible to the public in or near the county office.

12. Notify the State committee as soon as possible by mail (on forms Cotton 305 and Tobacco 305) as to the final outcome of the referenda in the county.

13. Make an investigation in each case of controversy or dispute regarding eligibility of a voter. In each case where a ballot is found in a sealed envelope marked "Challenged" by the community referendum committee and bearing the voter's name and a statement of the reason for the challenge, the eligibility of such person shall first be determined. If it is determined that such person is eligible, the envelope shall be opened and the ballot placed with the challenged ballot of every other person found to be eligible, and when all the challenged ballots shall have been passed upon by the committee those ballots found to be valid shall be tabulated in the county summary. If it is determined that such person is not eligible, the envelope shall not be opened but shall be preserved with the ballots, as provided in paragraph 15 of this section B.

14. Make an investigation in each case of dispute regarding the correctness of the summary of either referendum in a community. No dispute shall be investigated by the county committee unless it is brought to its attention within three calendar days after the date on which the referendum in question was held. The county committee shall promptly decide the dispute and immediately report its findings to the State committee and send by registered mail or deliver in person to the State office all voted ballots, register forms, and community summary sheets involved in the dispute.

15. Seal the voted ballots, challenged ballots found ineligible, register sheets, and community summary sheets for the county in one or more envelopes or packages (marked "Cotton Referendum 1939" or "Flue-Cured Tobacco Referendum 1939", as the case may be, followed by the name of the county) and place them under lock and key in a safe place under the custody of the secretary of the county agricultural conservation association for a period of sixty calendar days from the date of the referendum. If no notice to the contrary is received by the end of such time, the ballots shall be destroyed and the register and community summary sheets permanently filed in the county office.

C. INSTRUCTIONS TO COMMUNITY REFERENDUM COMMITTEES

Each community referendum committee designated by the county agricultural conservation committee shall:

1. Arrange, with the assistance of the county committee, for conducting the referenda by secret ballot.

2. Assist the county committee in giving adequate public notice of the time and place for casting ballots at least five days in advance of the date on which the referenda will be held.

3. Provide a place where each eligible farmer can prepare and cast a ballot in secret and without interference.

4. Provide ballot boxes. Any container so arranged that ballots cannot

be seen and cannot be removed without breaking seals on the container will be suitable. If strip adhesive paper or similar seals are used, such seals should be signed or initialed so that breaking or replacing the seal will affect or destroy the identifying marks and show that the seal has been tampered with.

5. Open the polls not later than 9:00 A. M., local standard time, on Saturday, December 10, 1938.

6. Hold the referenda in a fair and unbiased manner and see that appropriate measures are taken to insure that the referenda are conducted by secret ballot.

7. See that no device is used whereby any voter's ballot may be identified (except in the case of a challenged ballot). Instruct each voter, as he is handed a ballot form, as to the procedure to be followed in casting his ballot and instruct him to fold his ballot before he places it in the ballot box after he has marked it to show which way he votes.

8. Issue a ballot to each person who is eligible to vote and to each person who claims to be eligible to vote and insists upon voting even though his eligibility is challenged by the committee. Every unchallenged ballot shall be placed in the ballot box by the person who voted it. In every case where the eligibility of the voter is challenged, his ballot, after being marked by the challenged person, shall be placed (by him, or by the committee if he refuses) in an envelope and shall be sealed and marked with his name, the word "Challenged", and a statement of the reason for the challenge, and the envelope shall then be placed in the ballot box. The letter "C" shall be entered with a red pencil on form Cotton 303 or Tobacco 303, whichever is applicable, immediately to the left of the name of each person whose vote is challenged.

9. Record on forms Cotton 303 and Tobacco 303, respectively, the name and address of each farmer to whom a ballot form is issued if he is not already listed thereon prior to the time the ballot form is issued to him.

10. Enter an "X" in the designated column on forms Cotton 303 and Tobacco 303 beside the name and address of each farmer to whom a ballot form is issued and who places his ballot in the ballot box (whether or not his ballot is challenged).

11. Close the polls and discontinue acceptance of ballots at 5:00 P. M., local standard time, on the date of the referendum or such later hour as is fixed by the State committee.

12. Immediately after closing the polls, open the ballot box and canvass the ballots cast, which canvass shall be kept open to the public.

13. Tabulate and record the results of the referenda on forms Cotton 304 and Tobacco 304, respectively. The number of challenged ballots cast shall be entered on forms Cotton 304 and Tobacco

304, respectively, in the space provided and will not, of course, be shown as being either for or against the marketing quotas. If any ballot is found to be mutilated or marked in such a way that it cannot be determined whether the voter approved or opposed marketing quotas, it shall not be counted as a ballot cast but the number of such spoiled ballots shall be entered in the space provided and such ballots placed in an envelope marked "Spoiled Ballots", followed by the designation of the community.

14. Certify to the accuracy of the executed forms Cotton 303 and Tobacco 303 and Cotton 304 and Tobacco 304 by signing in the spaces provided.

15. Notify the county committee by telephone, or in person, as soon as possible after the closing of the polls as to the preliminary count of "Yes" and "No" votes in the community.

16. Seal the voted ballots (including those challenged), the spoiled ballots, the register sheets, and the community summary sheets in one or more envelopes appropriately identified by the designation of the community and deliver them to the county committee not later than 8:30 A. M., Monday, December 12, 1938, with the unused ballots and other forms. The chairman of the community referendum committee shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

17. Post an executed copy of forms Cotton 304 and Tobacco 304, as soon as they are executed, at a conspicuous place at the polling place and see that it remains posted and accessible to the public for at least three calendar days after the date of the holding of the referendum.

D. INSTRUCTIONS TO STATE COMMITTEE

The State committee shall be in charge of and responsible for the conducting of the referenda in the State and shall:

1. Notify the applicable regional director by telegraph as to the preliminary count in each referendum in the State of votes for and votes against marketing quotas.

2. Summarize on forms Cotton 306 and Tobacco 306, respectively, the information contained on the forms Cotton 305 and Tobacco 305 and forward via air mail special delivery two fully executed forms Cotton 306 and Tobacco 306 to the applicable regional director not later than seven calendar days after the date of the referenda. If one sheet proves insufficient for listing the information with respect to all counties in the State, additional sheets properly numbered and identified and securely attached to the first sheet may be used for continuation, in which case totals and signatures should be entered only on the last sheet. One fully executed copy each of forms Cotton 305 and Cotton 306 and Tobacco 305 and Tobacco 306 shall be

permanently filed in the State office of the Agricultural Adjustment Administration.

3. Complete the investigation of any report from any county regarding controversies, irregularities, or the correctness of summaries of the referenda, not later than seven calendar days after the date of the referenda, and forward its findings in such cases to the applicable regional director.

E. RESULTS OF REFERENDA

Final and official tabulation of the votes cast in the referenda will be made by the Agricultural Adjustment Administration and the results of the referenda announced by the Secretary of Agriculture. The reports on Cotton 306 and Tobacco 306 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection.

Each county committee is authorized to release to the public press and to other inquirers unofficial reports of the total "Yes" and total "No" votes in the referenda in the county.

The State committee is authorized to release to the press and to other inquirers the unofficial results of the referenda for the respective State by counties as rapidly as the votes in the various counties are tabulated.

If the Administrator of the Agricultural Adjustment Administration or the Secretary of Agriculture deems it necessary, the report of any community referendum committee, county committee, or State committee shall be reexamined and checked by such persons or agencies as may be designated.

Done at Washington, D. C., this 23d day of November 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3528; Filed, November 25, 1938; 12:34 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 3]

APPOINTMENT OF MERLE D. VINCENT AS AUTHORIZED REPRESENTATIVE TO GRANT OR DENY APPLICATIONS FOR SPECIAL APPRENTICE CERTIFICATES

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Elmer F. Andrews, Administrator of the Wage and Hour Division, Department of Labor, hereby designate and appoint Merle D. Vincent as my authorized representative with full power and authority to grant or deny applications for special apprentice certificates and to sign and issue special certificates authorizing the employment of apprentices pursuant to the

provisions of Section 14 of the Fair Labor Standards Act of 1938 and regulations Title 29—Labor, Chapter V—Wage and Hour Division, Part 521¹—(Regulations applicable to Employment of Apprentices pursuant to Section 14 of the Fair Labor Standards Act of 1938).

Signed at Washington, D. C., this 23 day of November 1938.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 38-3525; Filed, November 25, 1938; 12:23 p. m.]

[Administrative Order No. 4]

APPOINTMENT OF MERLE D. VINCENT AS AUTHORIZED REPRESENTATIVE TO GRANT OR DENY APPLICATIONS FOR SPECIAL HANDICAPPED WORKER'S CERTIFICATES

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Elmer F. Andrews, Administrator of the Wage and Hour Division, Department of Labor, hereby designate and appoint Merle D. Vincent as my authorized representative with full power and authority to grant or deny applications for special handicapped worker's certificates, and to sign and issue special certificates authorizing the employment of handicapped persons pursuant to the provisions of Section 14 of the Fair Labor Standards Act of 1938 and regulations Title 29—Labor, Chapter V—Wage and Hour Division, Part 524² (Regulations Applicable to Employment of Handicapped Persons pursuant to Section 14 of the Fair Labor Standards Act of 1938).

Signed at Washington, D. C., this 23 day of November 1938.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 38-3526; Filed, November 25, 1938; 12:23 p. m.]

[Division Instruction No. 5]

APPOINTMENT OF PAUL SIFTON AS ACTING ADMINISTRATOR

OCTOBER 28, 1938.

1. By virtue of the authority vested in me by Section 4 (c) of the Fair Labor Standards Act of 1938, the Deputy Administrator, Paul Sifton, is hereby authorized to act as Administrator and to exercise any or all of the powers of the Administrator under the Fair Labor Standards Act of 1938, when the Administrator is unable to act by reason of sickness or absence from Washington.

2. This order shall be effective as of Oct. 28, 1938.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 38-3530; Filed, November 25, 1938; 12:58 p. m.]

¹ 3 F. R. 2483 DI.
² 3 F. R. 2485 DI.

PROPOSED AMENDMENT OF SECTION 536.2¹
(AREA OF PRODUCTION) OF REGULATIONS
ISSUED UNDER THE FAIR LABOR STAND-
ARDS ACT OF 1938

NOTICE OF HEARING

Whereas, Section 13 (a) of the Fair Labor Standards Act of 1938 provides that the wages and hours provisions contained in Sections 6 and 7 of said Act shall not apply with respect

"(10) to any individual employed within the area of production (as defined by the Administrator) engaged in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products."

and

Whereas, pursuant to the authority contained in said section, the Administrator of the Wage and Hour Division on October 20, 1938 issued the following regulations:

SECTION 536.2 "Area of production" as used in section 13 (a) (10) of the Fair Labor Standards Act.—An individual shall be regarded as employed in the "area of production" within the meaning of Section 13 (a) (10), in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products

(a) if he is engaged in such work on a farm and on agricultural or horticultural commodities produced exclusively on such farm, or

(b) if the agricultural or horticultural commodities are obtained by the establishment where he is employed from farms in the immediate locality and the number of employees in such establishment does not exceed seven.

SECTION 536.5 *Petitions for amendment of regulations.*—Any interested persons or association wishing a revision of the foregoing regulations may make application to the Administrator in writing to amend Sections 536.1 and 536.2 by

¹ 3 F. R. 2536 DL.

increasing or decreasing the maximum of employees permitted within the exemption as defined. If upon inspection of the petition the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties or will make other provision for affording interested parties an opportunity to present their view either in support of or in opposition to the proposed changes.

and

Whereas, on November 14, 1938 the Cigar Manufacturers Association of America, Inc., and on November 23, 1938 the Department of Agriculture and Commerce of Puerto Rico, the Puerto Rico Tobacco Marketing Association, and the Farmers' Association of Puerto Rico filed petitions with the Administrator to amend said Section 536.2 of said regulations by adding thereunto a new paragraph numbered (c) reading as follows:

"With respect to establishments in which Puerto Rican cigar leaf tobacco is prepared for market, if the establishment where he is employed is located in the area in which Puerto Rican cigar leaf tobacco is grown;"

or alternatively, to provide that individuals employed in packing establishments located in the area in which Puerto Rican tobacco is grown and engaged in handling, receiving, bulking, sorting, stripping, grading and packing, or any other services in connection with preparing for market, cigar leaf tobacco grown on the Island of Puerto Rico are regarded as employed within the area of production within the meaning of Section 13 (a) (10) of the Fair Labor Standards Act of 1938.

Now, therefore, notice is hereby given of a public hearing to commence on December 9, 1938 at 10 o'clock a. m. in Room 3229, United States Department of Labor, Washington, D. C., before a presiding officer to be hereafter designated, at which interested parties will be heard on the following question:

What, if any, amendment should be made of Section 536.2 of the regulations issued under the Fair Labor Standards Act of 1938 in respect to employees employed in packing establishments located in the area in which Puerto Rican to-

bacco is grown and engaged in handling, receiving, bulking, sorting, stripping, grading and packing, or any other services in connection with preparing for market, cigar leaf tobacco grown on the Island of Puerto Rico.

Said petition may be examined at Room 5321, United States Department of Labor, Washington, D. C.

Signed at Washington, D. C. this twenty-fifth day of November, 1938.

PAUL SIFTON,
Deputy Administrator.

[F. R. Doc. 38-3529; Filed, November 25, 1938;
12:58 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5532]

IN THE MATTER OF KENTUCKY-TENNESSEE
LIGHT AND POWER COMPANY

NOTICE OF FILING OF APPLICATION

NOVEMBER 23, 1938.

Notice is hereby given that on November 5, 1938, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by Kentucky-Tennessee Light and Power Company for an order authorizing and approving the sale by that company of certain electrical facilities located in the County of Henry, Tennessee, to the City of Paris, Tennessee; certain electrical facilities located in Weakley County, Tennessee, to Weakley County, Tennessee; and certain electrical facilities located in the Counties of Weakley, Henry, Carroll, Gibson, Dyer, Obion and Lake, Tennessee, to the Tennessee Valley Authority, all as more fully appears in said application on file with the Federal Power Commission.

Any person desiring to be heard with reference to said application or to file any petition or protest with reference thereto should, on or before November 30, 1938, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 38-3521; Filed, November 25, 1938;
11:02 a. m.]